

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

VICTOR VOE, by and through his parents
and next friends, Vanessa Voe and Vance
Voe; *et al.*,

Plaintiffs,

v.

THOMAS MANSFIELD, in his official
capacity as Chief Executive Officer of the
North Carolina Medical Board; *et al.*,

Defendants,

and

PHILIP E. BERGER, in his official
capacity as President Pro Tempore of
the North Carolina Senate; and
DESTIN C. HALL, in his official
capacity as Speaker of the North
Carolina House of Representatives,

Intervenor-Defendants.

CASE NO. 1:23-cv-864

**CONSENT MOTION TO STAY PROCEEDINGS AND
TO SET SUPPLEMENTAL BRIEFING SCHEDULE**

On June 30, 2025, the Supreme Court vacated the Fourth Circuit's judgment in *Kadel v. Folwell* and *Anderson v. Crouch*, 100 F.4th 122 (4th Cir. 2024) (en banc), and remanded to the Fourth Circuit for further consideration in light of *United States v. Skrmetti*, 145 S.Ct. 1816 (2025). *See Folwell v. Kadel*, 606 U.S. ----, No. 24-99, 2025 WL 1787687 (June 30, 2025) (mem.); *Crouch v. Anderson*, 606 U.S. ----, No. 24-90, 2025 WL 1787678 (June 30, 2025) (mem.); *see also* Suggestion of Subsequently Decided Authority, Doc. 206. Following that development, Plaintiffs and Intervenor-Defendants met and

conferred regarding the status of this case. Intervenor and Plaintiffs jointly request that the Court stay proceedings in the case, including the Court's consideration of the preliminary injunction motion and the summary judgment motions, until the Fourth Circuit resolves *Kadel* and *Anderson* on remand from the Supreme Court. Intervenor and Plaintiffs further request that the Court set a schedule for supplemental briefing upon the Fourth Circuit resolving *Kadel* and *Anderson*, which the parties anticipate could include a decision on the merits or a further remand to the district court. Plaintiffs also anticipate that they may seek to dismiss or otherwise streamline certain claims upon the Fourth Circuit resolving *Kadel* and *Anderson*. Accordingly, the supplemental briefing schedule that Intervenor and Plaintiffs propose is as follows:

- **10 Days After Fourth Circuit Issues Its Opinion in *Kadel* and *Anderson*, Whichever Occurs Later:** The parties file a joint status report regarding the case.
- **30 Days After Plaintiffs Inform Intervenor and Other Defendants Whether Plaintiffs Are Moving to Dismiss Claims:** Plaintiffs file a supplemental brief not to exceed 5,000 words.
- **30 Days After Plaintiffs' Supplemental Brief:** Intervenor-Defendants file a supplemental brief not to exceed 5,000 words.
- **21 Days After Intervenor's Supplemental Brief:** Plaintiffs file a supplemental reply brief not to exceed 2,350 words.

The other Defendants have taken no position on the motion.

“This Court has the inherent power to stay proceedings to achieve equity and to

ensure the efficient management of its docket.” *Warner v. Midland Funding, LLC*, No. 1:18-cv-727, 2019 WL 8560152, at *2 (M.D.N.C. Mar. 18, 2019) (Biggs, J.) (quotations omitted) (granting motion to stay proceedings). A stay of proceedings in this case pending the Fourth Circuit’s resolution of *Kadel* and *Anderson* would further judicial economy and not prejudice the parties. The preliminary injunction and summary judgment motions remain pending, and Intervenor and Plaintiffs agree that, if this case continues, the Court would benefit from supplemental briefing regarding developments since briefing of those motions concluded. *Cf. Misanin v. Wilson*, No. 2:24-cv-4734, Doc. 66 at 2 (D.S.C. July 7, 2025) (staying case “until such time as the Fourth Circuit has reached a decision on remand in *Kadel*” and directing the parties to submit supplemental briefing upon the Fourth Circuit resolving *Kadel*). The proposed schedule is intended to provide Plaintiffs’ counsel sufficient time to confer with their clients regarding their claims while providing an orderly and efficient schedule for supplemental briefing on the remaining claims.

Accordingly, Intervenor and Plaintiffs respectfully request the Court to stay proceedings in the case until the Fourth Circuit resolves *Kadel* and *Anderson* on remand from the Supreme Court and to set a schedule for supplemental briefing upon the Fourth Circuit resolving *Kadel* and *Anderson* on remand from the Supreme Court.

Dated: July 31, 2025

Respectfully submitted,

/s/ Craig D. Schauer

Craig D. Schauer (State Bar No. 41571)

DOWLING PLLC

3801 Lake Boone Tr., Suite 260

Raleigh, NC 27607

(919) 529-3351

cschauer@dowlingfirm.com

David H. Thompson

Peter A. Patterson

Brian W. Barnes

Nicole J. Moss

Clark L. Hildabrand

John D. Ramer

COOPER AND KIRK, PLLC

1523 New Hampshire Avenue, NW

Washington, D.C. 20036

(202) 220-9600

dthompson@cooperkirk.com

*Local Civil Rule 83.1 Counsel
for Intervenor-Defendants*

Counsel for Intervenor-Defendants

/s/ Amy E. Richardson

Amy E. Richardson (N.C. Bar
28768)
HWG LLP
333 Fayetteville Street, Suite 1500
Raleigh, NC 27601
Telephone: (919) 429-7386
Facsimile: (202) 730-1301
arichardson@hwglaw.com

Dmitriy Tishyevich*
McDERMOTT WILL & EMERY
One Vanderbilt Avenue
New York, NY 10017-3852
Phone: (212) 547-5534
Facsimile: (646) 417-7668
dtishyevich@mwe.com

Anna Fosberg*
McDERMOTT WILL & EMERY
The Brandywine Bldg.
1000 N West Street, Suite 1400
Wilmington, DE 19801
Phone: (302) 485-3936
Facsimile: (302) 351-8711
afosberg@mwe.com

/s/ Tara L. Borelli

Tara L. Borelli*
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
1 West Court Square, Ste. 105
Decatur, GA 30030
Telephone: (404) 897-1880
Facsimile: (404) 897-1884
tborelli@lambdalegal.org

Omar Gonzalez-Pagan*
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC.
120 Wall Street, 19th Floor
New York, NY 10005
Telephone: (212) 809-8585
Facsimile: (212) 658-9721
ogonzalez-pagan@lambdalegal.org

Abigail Coursolle*
NATIONAL HEALTH LAW PROGRAM
3701 Wilshire Boulevard, Suite 315
Los Angeles, CA 90010
Telephone: (310) 736-1652
coursolle@healthlaw.org

Catherine McKee*
NATIONAL HEALTH LAW PROGRAM
1512 E. Franklin Street, Suite 110
Chapel Hill, NC 27514
Telephone: (984) 278-7666
mckee@healthlaw.org

* Appearing by notice of special
appearance pursuant to L.R. 83.1(d).

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that, on July 31, 2025, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

/s/ Craig D. Schauer
Craig D. Schauer
Counsel for Intervenors